

REMARKS

Claims 1-17 are pending in the above-referenced patent application. In this amendment, claims 1-16 have been amended and claim 17 has been added. It is noted that claims 1-16 were not amended to overcome the rejections and objections, or in light of the cited references. Rather, claims 1-16 were amended to clearly delineate intended subject matter and to address various rejections made by the Examiner. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some cases, the claims are even broadened. Therefore, no prosecution history estoppel should result from these claim amendments. Additionally, it is respectfully submitted that adequate support may be found in the specification for new claim 17, and that no new matter has been added. For example, adequate support may be found in paragraphs [0016]-[0017] and Figs. 2a and 2b.

In the Office Action, dated July 12th, 2005, the Examiner has rejected claims 1-16 under 35 U.S.C 102(b) as being anticipated by Gumb (U.S. Patent No. 5,172,805, hereinafter "Gumb"). This rejection by the Examiner is respectfully traversed. Assignee respectfully submits that Gumb does not disclose each and every element of the rejected claims, as amended, and, therefore, a prima facie case under 35 U.S.C. 102(b) has not been established. As just an example, referring to claim 1, Gumb does not show or describe a button body having a plurality of side edges, a first section to receive pressure, a second section opposite said first section and at least one wing plate, wherein the at least one wing plate includes a first end and a second end opposite said first end, and wherein the first end is coupled to one of said side edges of the button body to form a junction, and is configured to arc downward from the junction, and a positioning plate positioned above the circuit board contact point and coupled to the second end of the wing plate.

Gumb appears to show a pushbutton assembly including a button body "being operable to move slidably within the aperture for engaging the flexible barrier layer and operating the underlying electronic switching device, the subassembly with the buttons captive in the carrying member being removable intact from the circuit board and flexible barrier layer of the electronic switching device" (col 3:5 – col 3:8). The Examiner, in the Office Action, characterizes the "flexible barrier layer" of Gumb as both a wing plate and a positioning plate. The "flexible barrier layer" of Gumb is defined as a single

integrated component that provides barrier functions to provide a barrier against liquids from reaching the contact point. According to Gumb, "Thus the barrier layer prevents drainage of liquid seeping into the button assembly except through predetermined drainage means which are provided to allow liquid to be directed out of the telephone housing without damaging electronic components in the telephone." Col 6:29 – col 6:34.

It is respectfully submitted that the Examiner has mischaracterized Gumb, and that the "Flexible barrier layer" of Gumb is materially different than either of a wing plate and a positioning plate, as claimed and described. As just an example, the wing plate of claim 1 is coupled to a side edge of the button body to form a junction. In Gumb, the "flexible barrier layer" would be inoperable if coupled to the side edge of the button body to form a junction. Additionally, the positioning plate of claim 1 is positioned above the circuit board contact point. In Gumb, the "flexible barrier layer" would be inoperable if positioned above the circuit board contact point, at least because the "Flexible barrier layer" would be incapable of providing barrier functions as described in Gumb.

It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Assignee respectfully submits that because Gumb does not disclose each and every element of the rejected claims, a prima facie case under 35 U.S.C. 102(b) has not been established, and claim 1, as amended, is in condition for allowance. Additionally, claims 2-17 are in a condition for allowance for the same and/or similar reasons as presented with reference to claim 1, as amended. It is respectfully requested that the Examiner withdraw the rejections of these claims.

CONCLUSION


In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, she is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Dated: _____

10/5/05

Respectfully submitted,



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